IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 12TH JULY 2007 / 21ST ASHADHA 1929

Crl.MC.No. 2234 of 2007()

(C.P.NO.75/2007 ON THE FILE OF JUDICIAL FIRST CLASS MAGISTRATE COURT -ADOOR)

PETITIONER: 1ST & 2ND ACCUSED:

---

1. RAJAN @ SELVAN,
   VAZHOTTU VEEDU, AIKKATTU MURI,
   KODUMON VILLAGE, PATHANAMTHITTA.

2. PODIYAN,
   POOKUNNIL VEEDU, AIKKATTU MURI,
   KODUMON VILLAGE, PATHANAMTHITTA.

BY ADV. SRI. K.SHAJ

RESPONDENTS:

STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR ADV.SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 12/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

= = = = = = = = = = = = = =

Cr.M.C.No. 2234 of 2007

= = = = = = = = = = = = = = =

Dated this the 12th day of July, 2007

ORDER

The petitioners face indictment in a prosecution under the provisions of the Kerala Abkari Act. Final report has been filed. Cognizance has been taken. Committal proceedings has been registered. The petitioner appeared through their counsel and filed an application. That application was dismissed. Warrants of arrest have been issued against the petitioners.

2. According to the petitioners, they are absolutely innocent. Their absence earlier was not wilful but was on account of reasons beyond their control, it is submitted. They are willing to surrender before the learned Magistrate and seek regular bail. But they apprehend that their application for bail may not be considered by the learned Magistrate on merits, in accordance with law and expeditiously. They therefore pray that a direction may be issued under Section 482 Cr.P.C to the learned Magistrate to release them on bail when they appear and apply for bail.

3. It is for the petitioners to appear before the learned Magistrate and explain to the learned Magistrate the circumstances under which they could not earlier appear before the learned Magistrate. The learned Magistrate must consider such application for bail on merits, in accordance with law and expeditiously. I have no

reason to assume that the learned Magistrate would not consider such applications on merits, in accordance with law and expeditiously. Every court must do the same. No special or specific direction appears to be necessary. Sufficient general directions have already been issued in **Alice George v. The Deputy Superintendent of Police** [2003(1) KLT 339].

4. This Crl.M.C is, in these circumstances, dismissed, but with the specific observation that if the petitioners surrender before the learned Magistrate and apply for regular bails after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously-on the date of surrender itself.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE